

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DIVISION

JAMES C. WOODRUFF,

Plaintiff,

v.

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

Case No. 3:10-CV-00997-BR

ORDER OF REMAND

Based on the stipulation of the parties, it is ORDERED that the Commissioner's decision in regard to Plaintiff's application for disability insurance benefits under Title II of the Social Security Act be REVERSED and REMANDED to the Commissioner of Social Security for a partially favorable disability decision and further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). Upon remand, the Commissioner will find Plaintiff disabled as of November 18, 2002, the date Plaintiff attained age 55.

In addition, the case will be remanded to an Administrative Law Judge, who will be directed to further evaluate the period prior to November 18, 2002. Specifically, the Administrative Law Judge will be directed to offer Plaintiff the opportunity for a new hearing;

reevaluate the medical evidence of record, including the opinions of Dr. Ogisu and FHNP Funk, and state legally sufficient reasons for rejecting any portion of any medical opinion that is not accounted for in the residual functional capacity (RFC) assessment; state the weight given to the VA disability rating and, if the VA disability rating is given less than great weight, state legally sufficient reasons for the rejection; evaluate the effects of drug addiction and alcoholism consistent with Agency policy; evaluate lay witness testimony and, if the testimony is not given great weight and incorporated into the RFC, state specific legally sufficient reasons to reject each witness's testimony; and issue a new decision on the issue of disability for the period before November 18, 2002.

This Court hereby reverses the Commissioner's decision under sentence four of 42 U.S.C. §405(g), with a remand of the cause to the Commissioner for further proceedings. *See Melkonyan v. Sullivan*, 501 U.S. 89 (1991).

DATED this 21st day of July 2011.


UNITED STATES DISTRICT JUDGE

Presented by:

s/ Jordan D. Goddard
JORDAN D. GODDARD
Special Assistant U.S. Attorney
Office of the General Counsel
Social Security Administration
(206) 615-2733
Of Attorneys for Defendant